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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,788	12/12/2003	Mark Scott Spencer		3874

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Mark Scott Spencer
Appartment 12B
83 Main Street
Newington, CT 06111

EXAMINER

SHAW, CLIFFORD C

ART UNIT PAPER NUMBER

1725

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,788

Applicant(s)

SPENCER, MARK SCOTT

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/12/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.) Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are not written in standard USPTO format, making it unclear what applicant intends to claim as his invention. In the "CLAIMS" section of his application, applicant follows the text "I claim:" with claim-like language (i.e., the language starting with "A microprocessor controlled system ...") and then applicant presents a numeral 1 followed by further claim-like language (i.e., "1. sensor and transmitter component"). This format makes it unclear where claim 1 begins or what subject matter claim 1 is directed to. Claims 1, 2, and 4 are further in an improper format in that each claim consists of multiple sentences. Applicant is advised that each claim must be a single sentence. Claim 3 is cast as depending from claim 1, but at the last line of claim 3, an improper reference to claim 2 is made. Similarly, claim 4 is cast as depending from claim 2, but makes an improper reference to claim 1 at line 3 of claim 4. Applicant is referred to the claims in the cited U.S. patents for examples of claims in standard USPTO format. In claims 1 and 2, the language "comprising of a" is grammatically incorrect, making it unclear what subject matter applicant intends to claim. In claim 2, sub-paragraph (a), there is no antecedent basis for "the measurements of voltage and/or current", or for "the welding monitor sensor and transmitter component".

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3.) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.) Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohmi et al. (6,018,136). Insofar as the claim can be understood in view of its problems under 35 USC 112 as discussed above, it is anticipated by the disclosure of the patent to Ohmi et al. (6,018,136). Figure 1 and the discussion thereof in Ohmi et al. (6,018,136) disclose an arrangement for monitoring an arc welding process, including: means to measure voltage and current associated with element 6; means to convert the measurements to digital form at element 8; means to prepare the digital form for transmission and to transmit over a radio frequency data link associated with element 11.

5.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6.) Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmi et al. (6,018,136) taken with Hu et al. (6,744,011). The only aspects of the claims to which the rejection above does not apply are the limitations associated with displaying or manipulating the

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measured data on a personal computer. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have provided the computers 13 in Ohmi et al. (6,018,136) with any conventional data display or manipulation software. In particular, it would have been obvious to have provided these computers with the features claimed, the motivation being the teachings of Hu et al. (6,744,011) that such are advantageous in a welding monitoring system (see figures 1 and 2 and the discussion thereof in Hu et al. (6,744,011)).

7.) The patents to Lantieri et al. (5,571,431), Ivkovich (6,583,386), and Blankenship et al. (6,624,388) are cited to show prior art arc welding monitoring systems.

8.) An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

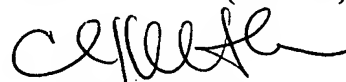
A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

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Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
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August 26, 2005